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MONTANA LEGISLATIVE HISTORY

Chapter 384 19 93

Bill H _____ S 352

Original bill & history ✓ C

H. Committee on Business & Ec. Dev. S. Committee on Public Health

Hearing Date(s) 3-15 ✓ C

Hearing Date(s) 2/17 ✓ C

_____ C

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_____ C

Date Out _____ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

2/19	2ND READING PASSED	50	0
2/20	3RD READING PASSED	49	1
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
2/23	FIRST READING		
3/04	HEARING		
3/11	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/13	2ND READING CONCURRED	92	5
3/16	3RD READING CONCURRED	92	7
	RETURNED TO SENATE WITH AMENDMENTS		
3/19	2ND READING AMENDMENTS CONCURRED	47	0
3/20	3RD READING AMENDMENTS CONCURRED	41	0
3/24	SIGNED BY PRESIDENT		
3/26	SIGNED BY SPEAKER		
3/29	TRANSMITTED TO GOVERNOR		
4/01	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 257		
	EFFECTIVE DATE: 07/01/93		

SB 351 INTRODUCED BY WELDON, ET AL.
PROVIDE FOR NO HEARING IN SUMMARY DISSOLUTION

2/10	INTRODUCED		
2/10	REFERRED TO JUDICIARY		
2/10	FIRST READING		
2/20	HEARING		
2/22	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/23	2ND READING PASSED	49	0
2/24	3RD READING PASSED	47	1
	TRANSMITTED TO HOUSE		
3/01	REFERRED TO JUDICIARY		
3/01	FIRST READING		
3/24	HEARING		
3/26	TABLED IN COMMITTEE		

SB 352 INTRODUCED BY KEATING, ET AL.
EXPAND LIEN ACT TO INCLUDE PSYCHOLOGISTS, SOCIAL WORKERS, AND COUNSELORS

2/10	INTRODUCED		
2/10	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
2/10	FIRST READING		
2/17	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED		
2/20	2ND READING PASSED	50	0
2/22	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/23	FIRST READING		
3/15	HEARING		
3/15	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/27	2ND READING CONCURRED	81	8
3/30	3RD READING CONCURRED	73	27
	RETURNED TO SENATE WITH AMENDMENTS		
4/02	2ND READING AMENDMENTS CONCURRED	47	0
4/03	3RD READING AMENDMENTS CONCURRED	47	0
4/07	SIGNED BY PRESIDENT		
4/07	SIGNED BY SPEAKER		
4/13	TRANSMITTED TO GOVERNOR		

4/15 SIGNED BY GOVERNOR
CHAPTER NUMBER 384
EFFECTIVE DATE: 10/01/93

SB 353 INTRODUCED BY HARDING, ET AL.
REVISE CAMPER DECAL LAW

2/10	INTRODUCED		
2/10	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/10	FIRST READING		
2/10	FISCAL NOTE REQUESTED		
2/15	FISCAL NOTE RECEIVED		
2/16	HEARING		
2/16	COMMITTEE REPORT—BILL PASSED		
2/18	2ND READING PASSED	48	0
2/19	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/23	FIRST READING		
3/08	HEARING		
3/09	COMMITTEE REPORT—BILL CONCURRED		
3/11	FISCAL NOTE PRINTED		
3/11	2ND READING CONCURRED	98	1
3/15	3RD READING CONCURRED	96	3
	RETURNED TO SENATE		
3/19	SIGNED BY PRESIDENT		
3/21	SIGNED BY SPEAKER		
3/22	TRANSMITTED TO GOVERNOR		
3/25	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 174		
	EFFECTIVE DATE: 01/01/94		

SB 354 INTRODUCED BY CHRISTIAENS, ET AL.
CREATE CONTINUING EDUCATION FOR INSURERS PROGRAM
BY REQUEST OF STATE AUDITOR

2/10	INTRODUCED		
2/10	REFERRED TO BUSINESS & INDUSTRY		
2/10	FIRST READING		
2/10	FISCAL NOTE REQUESTED		
2/17	FISCAL NOTE RECEIVED		
2/18	FISCAL NOTE PRINTED		
3/25	HEARING		
3/27	COMMITTEE REPORT—BILL PASSED		
3/29	2ND READING PASSED	47	0
3/30	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
3/31	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
3/31	FIRST READING		
4/06	HEARING		
4/08	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/12	2ND READING CONCURRED	90	6
4/13	3RD READING CONCURRED	86	14
	RETURNED TO SENATE WITH AMENDMENTS		
4/16	2ND READING AMENDMENTS NOT CONCURRED	49	0
4/19	CONFERENCE COMMITTEE APPOINTED		
4/21	CONFERENCE COMMITTEE REPORT NO. 1		
4/22	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	48	0

1 **Senate** BILL NO. **352**
 2 INTRODUCED BY Senator R. Vogel
 3 Representative Christine J. J. J.
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE PHYSICIAN,
 5 NURSE, PHYSICAL THERAPIST, OCCUPATIONAL THERAPIST,
 6 CHIROPRACTOR, DENTIST, AND HOSPITAL LIEN ACT TO INCLUDE
 7 PSYCHOLOGISTS, LICENSED SOCIAL WORKERS, AND LICENSED
 8 PROFESSIONAL COUNSELORS; AND AMENDING SECTIONS 71-3-1111,
 9 71-3-1112, 71-3-1114, 71-3-1115, 71-3-1117, AND 71-3-1118,
 10 MCA."
 11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 71-3-1111, MCA, is amended to read:

14 "71-3-1111. Short title. This part may be cited as the
 15 "Physician, Nurse, Physical Therapist, Occupational
 16 Therapist, Chiropractor, Dentist, Psychologist, Licensed
 17 Social Worker, Licensed Professional Counselor, and Hospital
 18 Lien Act."

19 **Section 2.** Section 71-3-1112, MCA, is amended to read:

20 "71-3-1112. Purpose. The purpose of this part is to
 21 establish lien rights for physicians, nurses, physical
 22 therapists, occupational therapists, chiropractors, persons
 23 practicing dentistry, psychologists, licensed social
 24 workers, licensed professional counselors, and hospitals
 25 when a person receiving medical or other treatment:

1 (1) is injured through the fault or neglect of another;
 2 or
 3 (2) is either insured or a beneficiary under
 4 insurance."

5 **Section 3.** Section 71-3-1114, MCA, is amended to read:

6 "71-3-1114. Liens of physicians, nurses, physical
 7 therapists, occupational therapists, chiropractors, persons
 8 practicing dentistry, psychologists, licensed social
 9 workers, licensed professional counselors, and hospitals.

10 (1) Whenever a physician, nurse, physical therapist,
 11 occupational therapist, chiropractor, person practicing
 12 dentistry, psychologist, licensed social worker, licensed
 13 professional counselor, or hospital renders services to a
 14 person injured through the fault or neglect of another, the
 15 physician, nurse, physical therapist, occupational
 16 therapist, chiropractor, person practicing dentistry,
 17 psychologist, licensed social worker, licensed professional
 18 counselor, or hospital, upon giving the required notice of
 19 lien, has a lien for the value of services rendered on:

20 (a) any claim or cause of action the injured person,
 21 his the person's estate, or successors may have for injury,
 22 disease, or death;

23 (b) any judgment the injured person, his the person's
 24 estate, or successors may obtain for injury, disease, or
 25 death; and

(c) all money paid in satisfaction of such the judgment or in settlement of the claim or cause of action.

(2) If a person is an insured or a beneficiary under insurance which provides coverage in the event of injury or disease, a physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, psychologist, licensed social worker, licensed professional counselor, or hospital, upon giving the required notice of lien, has a lien for the value of services rendered on all proceeds or payments, except payments for property damage, payable by the insurer.

(3) The lien is subject to the lien of an attorney provided in 37-61-420."

Section 4. Section 71-3-1115, MCA, is amended to read:

"71-3-1115. Notice of lien. (1) A physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, psychologist, licensed social worker, licensed professional counselor, or hospital claiming a lien shall serve written notice upon the person and upon his the insurer, if any, against whom liability for injury, disease, or death is asserted, stating the nature of the services, for whom and when rendered, the value of the services, and that a lien is claimed.

(2) A physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing

dentistry, psychologist, licensed social worker, licensed professional counselor, or hospital claiming a lien upon proceeds or payments payable by an insurer shall serve written notice upon the insurer against whom the lien is asserted, stating the nature of the services, for whom and when rendered, the value of the services, and that a lien is claimed."

Section 5. Section 71-3-1117, MCA, is amended to read:

"71-3-1117. Liability for failure to recognize lien. If any insurer or person, after receiving notice of lien, makes payment on account of injury, disease, or death and the amount of the lien claimed by any physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, psychologist, licensed social worker, licensed professional counselor, or hospital has not been paid, the insurer or person is liable to the physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, psychologist, licensed social worker, licensed professional counselor, or hospital for the reasonable value of the services."

Section 6. Section 71-3-1118, MCA, is amended to read:

"71-3-1118. (Temporary) Applicability. (1) Except as provided in subsection (2), this part does not apply to compensation awarded to workers for injury, disease, or death pursuant to the Workers' Compensation Act or the

Occupational Disease Act of Montana.

(2) This part applies to all payments awarded for medical, therapy, chiropractic, dentistry, and hospital services pursuant to the acts referred to in subsection (1).

(3) This part does not apply to any benefits payable under a policy of life insurance or group life insurance; a contract of disability insurance, except benefits payable in reimbursement for services rendered by a physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, or hospital; or an annuity contract or to pension benefits payable under a qualified pension plan. (Terminates April 17, 1993--sec. 4, Ch. 469, L. 1991.)

71-3-1118. (Effective April 17, 1993) Applicability.

(1) Except as provided in subsection (2), this part does not apply to compensation awarded to workers for injury, disease, or death pursuant to the Workers' Compensation Act or the Occupational Disease Act of Montana.

(2) This part applies to all payments awarded for medical, therapy, chiropractic, dentistry, counseling, and hospital services pursuant to the acts referred to in subsection (1).

(3) This part does not apply to any benefits payable under a policy of life insurance or group life insurance, a contract of disability insurance, or an annuity contract or

to pension benefits payable under a qualified pension plan."

-End-

SENATE BILLS STATUS SHEET

_____ COMMITTEE

BILL NUMBER	ENTERED COMMITTEE	CONSIDERED	OUT OF COMMITTEE	DP DO PASS	DNP DO NOT PASS	DPAA DO PASS AS AMENDED	DNPA DO NOT PASS AS AMENDED
SB 313	2/4	2/12	2/15	X			
SB 352	2/10	2/17	2/18	X			
SB 366	2/11	2/17	3/17 TABLED				
SB 389	2/13	3/8	3/29			X	
SB 403	2/15	2/17	2/18			X	
SB 404	2/15	2/19	2/20		X		
SB 409	2/16	2/19	2/20			X	

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By Senator Dorothy Eck, Chair, on February 17, 1993, at 12:00 p.m.

ROLL CALL

Members Present:

Sen. Dorothy Eck, Chair (D)
Sen. Eve Franklin, Vice Chair (D)
Sen. Chris Christiaens (D)
Sen. Tom Hager (R)
Sen. Terry Klampe (D)
Sen. Kenneth Mesaros (R)
Sen. David Rye (R)
Sen. Tom Towe (D)

Members Excused: Sen. Tom Towe

Members Absent: None.

Staff Present: Susan Fox, Legislative Council
Tom Gomez, Legislative Council
Laura Turman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 366, SB 352, SB 403
Executive Action: SB 118, SB 266, SB 291, SB 285, SB 403,
SB 366, SB 352

EXECUTIVE ACTION ON SB 118

Discussion:

Sen. Franklin went over the amendments from February 15, 1993.
(Exhibit #1)

Motion:

Sen. Franklin moved the amendment.

Discussion:

budget.

Sen. Christiaens asked Mr. Runkel if the children being served by special education were eligible for Medicaid and if the schools worked with reimbursement for some of the contract work.

Mr. Runkel said schools are beginning to access Medicaid dollars for those services. It is still at the "beginning stages."

Mary Dalton, Medicaid Division, said there is a bill in the legislature which would allow OPI to transfer part of their dollars as a Medicaid match.

Closing by Sponsor:

Sen. Nathe said there was a problem that needed to be addressed, and he wasn't sure SB 366 was the correct way to address it.

HEARING ON SB 352

Opening Statement by Sponsor:

Sen. Tom Keating, Senate District 44, said SB 352 is quite simple. Many medical providers are covered under the lien law, and SB 352 amends the law to include psychologists, licensed social workers, and licensed professional counselors so that they may receive direct payment of insurance benefits.

Proponents' Testimony:

Mary McCue, Montana Clinical Mental Health Counselors Association, said the Association asked Sen. Keating to introduce SB 352 because they would like to have the choice of whether or not they can be participating providers under Blue Cross/Blue Shield programs. If they are participating providers, they will be paid directly by Blue Cross, otherwise Blue Cross will pay the patient. Ms. McCue directed the Committee's attention to Section 6 of SB 352. With the passage of SB 43, which removed the Sunset form this legislation, the temporary section will now be in effect. She provided an amendment which will include the language putting counselors, social workers and psychologists into the section that will be permanent law. (Exhibit #14)

Dr. Bob Bachow, President of the Montana Clinical Mental Health Counselors Association and the Executive Director of the Northwest Counseling Center, said he supports SB 352. He encouraged the Committee to include them in the lien act.

Judith Carlson, Montana Association of Social Workers, said the Association supports SB 352, and they appreciate the opportunity to support this bill.

Jim Smith, Montana Psychological Association, said the members of the Association support SB 352.

Jim Ahrens, President of the Montana Hospital Association, said he supports SB 352.

Tom Ebzery, St. Vincent's Hospital, said they support SB 352. They know how difficult it is, in terms of collections, without a lien act.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Chairman Eck asked Jim Ahrens if the Committee passes SB 285, which provides for managed competition, there would be a contradiction with SB 352.

Jim Ahrens said a lien act is different than managed competition, because a lien has a specific service.

Chairman Eck asked Tanya Ask to address the question. Tanya Ask, Blue Cross/Blue Shield, said the bill would negate one of the means that an insurer would have of contracting with providers. Anytime there is a contractual arrangement there needs to be an incentive on both sides of the contractual arrangement. One of the incentives from the payer's standpoint is the direction of payment, and that is why they were in opposition to the physician lien act being passed. They felt it removed one of the tools that a payer had in negotiating an arrangement with a provider. They did not oppose SB 352 because the concept has already been passed.

Chairman Eck asked Ms. Ask if she had seen a memo from Sen. Mazurek which speaks to the issue of willing provider and also to the issue of restraint of trade through legislation that would discourage cost containment measures. Ms. Ask said she had seen the memo, that instead of encouraging competition, this would quash competition.

Closing by Sponsor:

Sen. Keating said all the medical providers are grouped together if SB 352 passes. He urged the Committee to recommend a DO PASS for SB 352.

HEARING ON SB 403

Opening Statement by Sponsor:

Sen. David Rye, Senate District 47, said SB 403 comes from a request of the Department of Health and Environmental Sciences. It is the result of a court decision handed down in June, 1991,

Motion/Vote:

Sen. Rye moved that SB 403 DO PASS as amended. The motion carried with all members yes except Sen. Franklin who voted no.

Discussion:

Sen. Klampe asked if Sen. Christiaens were going to ask the Department look at other ways to inspect the facilities, because he thought it was reasonable for facilities to pay for their own licensure.

Sen. Christiaens said there are three other bills that have similar effects as this bill.

Chairman Eck said she would speak for the sentiments of the Committee when those bills are heard.

EXECUTIVE ACTION ON SB 366

Motion/Vote:

Sen. Franklin moved that SB 366 be TABLED. The motion carried unanimously.

EXECUTIVE ACTION ON SB 352

Discussion:

Susan Fox said she wasn't sure if the amendment was needed.

Chairman Eck said the other lien bill has already been signed by the Governor. The Committee could pass SB 352 and let the amendment be presented in the House.

Motion/Vote:

Sen. Christiaens moved that SB 352 DO PASS. All Committee members voted yes, except Chairman Eck, who voted no.

ROLL CALL

SENATE COMMITTEE Public Health DATE 2-17-93

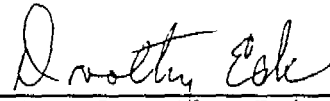
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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 18, 1993

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 352 (first reading copy - white), respectfully report that Senate Bill No. 352 do pass.

Signed: 
Senator Dorothy Eck, Chair

 Amd. Coord.
Sec. of Senate

401119SC.San

AMENDMENTS TO SB 3⁵72

Prepared by Mary McCue

Lobbyist for Montana Clinical Mental Health
Counselors Association

1. Page 4, line 11.
Following: "disease,"
Insert: "counselling service,"
2. Page 5, line 3.
Following: "dentistry"
Insert: "counselling"
3. Page 5, line 10.
Following "dentistry,"
Insert: "psychologist, licensed social worker, licensed
professional counselor"

DATE 2-17-93

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY: SB 352, SB 366, SB 403

Name (please print)	Representing	Bill No.	Check One Support Oppose	Other
Eric Fawc	MSA	SB366		☒
JUDITH CARLSON	MT. CH. NASW	SB 352	X	
Nickie T. Eck	Concerned Parent	SB366		X
Bur Roy	Bd. Speech Path & Aud.	SB366		X
Helena Lee	Bd. of Speech	SB366		X
DOALD M. PRICE	PROFESSION OF SPEECH	SB366		X
Gregory S. Hansen	MSHA	SB366		X
Jim Smith	MT Psych Assoc.	352	+	
Allison Failing	MSHA	366		X
Lucy Paulson	SELF	366		X
Robert Runkel	OPI	SB366		X
Kara Sheridan	MSHA	SB366		X
Kay Carrier	MSHA	SB366		X
Sheri Maxwell	MSHA	SB366		X
NEVE WILCOX	SELF	SB366		X
Patti DuBray	MSHA - SELF	SB366		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2-17-93SENATE COMMITTEE ON Public HealthBILLS BEING HEARD TODAY: SB 366, 403

Name	Representing	Bill No.	Check One	
			Support	Oppose

Jane Grosfeld	Self	366		X
Beverly Pickett	MSHA - Self	366		+
Diedre J. Cranmer	MSHA - self	366		X
Sandy Meach	MSHA - Self	366		X
Steve Meloy	Information (comment)			
Sandy Wunderlich	MSHA - self	366		X
Ruth McDougall	MSHA - self	366		X
Kathy McCain	MSHA - self	366		X
Shirley M. Wolf	self	366		X
Mike Craig	DUES	403	✓	
Judge Wright	DUES	366		
TEbzeny	STULS Hospital	352	✓	
Ray McKeeth	Mental Health Assn	403		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

Name	Representing	Bill No.	Check One Support Oppose
<i>Don Dahn</i>	<i>MCM/HCA</i>	<i>352</i>	☒

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

COMMITTEE--HOUSE BUSINESS & ECONOMIC DEVELOPMENT

Page 10

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - REREFERRED - DATE READ

SB0331	LYNCH, J.D.		CLARIFY PREFERRED PROVIDER AGREEMENTS ACT				
	2/23	3/11		CONCUR	3/11	VOTE: 18-0	3/11
SB0337	HARP, JOHN		GENERAL REVISION OF BUILDING CODE LAW INCLUDES PLUMBING-ELECTRICAL-ELEVATORS				
	2/23	3/12		TABLED ON 3/12		10-8	
				RECONSIDERED ON 3/26		VOTE: 5-13	
SB0340	DOHERTY, STEVE		RESIDENTIAL ENERGY EFFICIENCY PROVISIONS				
	2/23	3/12		CONCUR	3/12	VOTE: 18-0	3/13
SB0349	CHRISTIAENS, CHRIS		REVISE WRONGFUL DETAINER PROCEDURE				
	3/01	3/10		CONCUR	3/10	VOTE: 18-0	3/10
SB0352	KEATING, TOM		EXPAND LIEN ACT TO INCLUDE PSYCHOLOGISTS, SOCIAL WORKERS AND COUNSELORS				
	2/23	3/15		CONCUR AS AMENDED	3/15	VOTE: 18-0	3/15
SB0354	CHRISTIAENS, CHRIS		CONTINUING EDUCATION ACT FOR INSURANCE PRODUCERS AND CONSULTANTS				
	3/31	4/06		CONCUR AS AMENDED	4/6	VOTE: 16-2	4/08
SB0361	TOWE, TOM		CIVIL REMEDY FOR EXCESS CHARGE BY PAWNBROKER				
	2/23	3/10		CONCUR AS AMENDED	3/10	VOTE: 18-0	3/10
SB0362	BIANCHI, DON		PROCEDURE FOR LANDLORD'S ACTION FOR POSSESSION				
	2/23	3/09		CONCUR	3/9	VOTE: 16-2	3/09
SB0372	SWYSGOOD, CHUCK		REVISE LICENSURE FOR LPC TO INCLUDE PROVISION FOR PARTIAL FULFILLMENT				
	2/23	3/05		CONCUR	3/5	VOTE: 14-4	3/06
SB0373	BECK, TOM		REVISE MOTOR VEHICLE LAWS				
	3/30	4/01		CONCUR	4/6	VOTE: 18-0	4/06
SB0377	BARTLETT, SUE		REQUIRE EMPLOYERS TO PROVIDE EMPLOYEE REST PERIODS				
	3/01	3/08		TABLED ON 03/08		VOTE: 11-7	
SB0386	WILSON, WILLIAM		REVISE HOLDOVER TENANT PROCEDURE				
	2/23	3/09		CONCUR	3/9	VOTE: 16-2	3/09

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By CHAIRMAN STEVE BENEDICT, on March 15, 1993, at
9:00 A.M.

ROLL CALL

Members Present:

Rep. Steve Benedict, Chairman (R)
Rep. Sonny Hanson, Vice Chairman (R)
Rep. Bob Bachini (D)
Rep. Joe Barnett (R)
Rep. Ray Brandewie (R)
Rep. Vicki Cocchiarella (D)
Rep. Fritz Daily (D)
Rep. Tim Dowell (D)
Rep. Alvin Ellis (R)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Dick Knox (R)
Rep. Don Larson (D)
Rep. Norm Mills (R)
Rep. Bob Pavlovich (D)
Rep. Bruce Simon (R)
Rep. Carley Tuss (X) (D)
Rep. Doug Wagner (R)

Members Excused: None

Members Absent: REP. KNOX

Staff Present: Susan Fox, Legislative Council
Claudia Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 249, SB 352 AND SB 398
Executive Action: SB 249, SB 352 AND SB 398

HEARING ON SB 352

Opening Statement by Sponsor:

SEN. TOM KEATING, Senate District 44, Billings, said SB 352 is a
lien law for recovery of insurance benefits for medical

providers. He said physicians, nurses, physical therapists, chiropractors, dentists and hospitals are covered under the Lien Act, who can then place a lien against the insurance coverage in order to receive payment for their services. SB 352 will provide that physiologists, licensed social workers and licensed professional counselors are included under this lien law with the other medical providers. He noted to the committee on page 4, section 6, the word "temporary applicability" was contingent upon the passage of SB 43, which did pass. He said an amendment is needed to add the word "counselling" which had been omitted.

EXHIBIT 1

Proponents' Testimony:

Mary McCue, lobbyist for Montana Clinical Mental Health Association, said the association is comprised of 125 mental clinical health counselors. Most of these counselors are in private practice, and asked that SEN. KEATING introduce this bill. She said currently when the counselors are approached by Blue Cross/Blue Shield, they are enticed to participate with false information that the counselor will be paid directly for their services and if they don't participate, they will not receive it directly. The Lien Act has been in place for a number of years and provides for medical providers to be paid directly for their services instead of going through the patients. She said in the last session, SB 43 included Blue Cross/Blue Shield to be placed under the Lien Act with a sunset law provision on it, which the Governor has now signed and the bill has been enacted into law.

EXHIBIT 2

Judith Carlson, Montana Chapter for the Association of Social Workers, said the counselors want to be on record in support of SB 352.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

None

Closing by Sponsor:

SEN. KEATING closed.

HEARING ON SB 249

Opening Statement by Sponsor:

SEN. BILL YELLOWTAIL, Senate District 50, Wyola, informed the committee that Greg Petesch is responsible for reviewing the codes to determine where or when there are inconsistencies

Closing by Sponsor:

SEN. REA said this is a fair bill and urged the committee to concur in it.

EXECUTIVE ACTION ON SB 398

Motion: REP. BRANDEWIE MOVED SB 398 BE CONCURRED IN.

Discussion: None

Motion/Vote: REP. BACHINI called the question. Voice vote was taken. Motion carried unanimously.

Vote: SB 398 BE CONCURRED IN. Motion carried 18 - 0.

EXECUTIVE ACTION ON SB 352

Motion: REP. ELLIS MOVED SB 352 BE CONCURRED IN.

Discussion: REP. PAVLOVICH moved to adopt an amendment. REP. BRANDEWIE called the question. Voice vote was taken. Motion carried unanimously.

Motion/Vote: REP. BRANDEWIE MOVED SB 352 BE CONCURRED IN AS AMENDED. Voice vote was taken. Motion carried unanimously.

Vote: SB 352 BE CONCURRED IN AS AMENDED. Motion carried 18 - 0.

EXECUTIVE ACTION ON SB 249

Motion: REP. BACHINI MOVED SB 249 BE CONCURRED IN.

Discussion: REP. BRANDEWIE asked if the telemetry device was used in detecting fires. REP. BACHINI said the telemetry device is a radio control device. There are two pieces of equipment, one on the engine, and the receiver part is on the rear-car of the train. The device is monitored by a signal that blows air through the train. If this device had been used on the train that crashed by Carroll College, the engineer would have known there wasn't any air in the brakes and would not have disengaged the power from the train. He said Canada has used this device for the last 10 years.

Motion/Vote: The question was called. Voice vote was taken. Motion carried unanimously.

Vote: SB 249 BE CONCURRED IN. Motion carried 18 - 0.

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL

DATE 3-15-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ALVIN ELLIS	✓		
REP. DICK KNOX		✓	
REP. NORM MILLS	✓		
REP. JOE BARNETT	✓		
REP. RAY BRANDEWIE	✓		
REP. JACK HERRON	✓		
REP. TIM DOWELL	✓		
REP. CARLEY TUSS	✓		
REP. STELLA JEAN HANSEN	✓		
REP. BOB PAVLOVICH	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRITZ DAILY	✓		
REP. BOB BACHINI	✓		
REP. DON LARSON	✓		
REP. BRUCE SIMON	✓		
REP. DOUG WAGNER	✓		
REP. SONNY HANSON, VICE CHAIRMAN	✓		
REP. STEVE BENEDICT, CHAIRMAN	✓		

HR:1993
wp.rollcall.man

HOUSE STANDING COMMITTEE REPORT

March 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that Senate Bill 352 (third reading copy - blue) be concurred in as amended.

Signed: Steve Benedict
Steve Benedict, Chair

And, that such amendments read:

Carried by: Rep. Simon

1. Page 2, line 22.

Page 2, line 24.

Page 3, line 21.

Page 4, line 11.

Following: "disease,"

Insert: "counseling service,"

2. Page 5, line 3.

Following: "dentistry,"

Insert: "counseling,"

3. Page 5, line 10.

Following: "dentistry,"

Insert: "psychologist, licensed social worker, licensed professional counselor,"

-END-

Committee Vote:
Yes 12, No 4.

581153SC.Hpf

AMENDMENTS TO SB 352
Prepared by Mary McCue
Lobbyist for Montana Clinical Mental Health
Counselors Association

1. Page 2, line 22.
Following: "disease,"
Insert: "counselling service,"
2. Page 2, line 24.
Following: "disease,"
Insert: "counselling service,"
3. Page 4, line 11.
Following: "disease,"
Insert: "counselling service,"
4. Page 5, line 3.
Following: "dentistry"
Insert: "counselling"
5. Page 5, line 10.
Following "dentistry,"
Insert: "psychologist, licensed social worker, licensed
professional counselor"

Amendments to Senate Bill No. 352
Third Reading Copy

For the Committee on Business and Economic Development

Prepared by Susan B. Fox
March 15, 1993

1. Page 2, line 22.
Page 2, line 24.
Page 3, line 21.
Page 4, line 11.
Following: "disease,"
Insert: "counseling service,"
2. Page 5, line 3.
Following: "dentistry,"
Insert: "counseling,"
3. Page 5, line 10.
Following: "dentistry,"
Insert: "psychologist, licensed social worker, licensed
professional counselor,"

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Business & Econ COMMITTEE BILL NO. SB 352
DATE 3-15-93 SPONSOR(S) Sen. Kerting
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Mary McAfee	Mt Clinical Mental Health Counselors Ass'n	✓	
Judith Crescen	Mt. Cal. N.A. Soc. WORKS	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.